

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

March 8, 2012

5:30 P.M.

MINUTES

Present: Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Mark Tiffer (W2), George Rabideau (W3), Jim Calnon (W4), Chris Case (W5), Chris Jackson (W6)

Absent: None

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on March 1, 2012 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Rabideau; Seconded by Councilor Carpenter

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending March 7, 2012 in the amount of \$ 302,054.77 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Case

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of March 1 – March 7, 2012
- Report from the Building Inspector's Office from June 13, 2011 – March 6, 2012
- Statement of cash receipts from the Library from February 15 – February 21, 2012
- Report from the Parking Violations Bureau for December 2011 and January 2012

RESOLVED: That the reports as read are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Rabideau

Discussion:

Councilor Jackson said we got the year ending figures for parking violations and they exceeded

budget. The half time position is money well spent.

Councilor Carpenter said looking at the reports for the last 2 months I noticed they were down significantly and I didn't know if there is a specific reason are people obeying more the traffic signs.

Councilor Calnon said I suspect part of the reason is that we didn't have parking bans in January and December is well.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council in the amount of \$ 701,363.14 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Case; Seconded by Councilor Jackson
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL: None

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves Kate Quinn to host a 5k Run/Walk on US Oval and the Terry Gordon Bike Path to benefit the Multiple Sclerosis Society on May 6, 2012.

By Councilor Carpenter; Seconded by Councilor Tiffer
Discussion: None
Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

B. THE MAYOR HANDS DOWN THE REAPPOINTMENT OF COMMISSIONER OF THE PLATTSBURGH HOUSING AUTHORITY BOARD TO ALICE HECKARD EFFECTIVE APRIL 1, 2012 TO APRIL 1, 2017.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted

Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves Bill Treacy, Manager MLD for Change Order #5 to PMLD #2011-7-1 “115Kv Relay Testing” in the total amount of \$14,900 and that the Mayor be authorized to sign the change order.

By Councilor Jackson; Seconded by Councilor Calnon

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves DAV 179 to place a static display at the Veterans Park on US Oval. The DAV 179 will maintain, be responsible for and install any necessary structure to accommodate the display.

By Councilor Tiffer; Seconded by Councilor Rabideau

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

E. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to create capital project H5110.36 “2012 Street Resurfacing Project” to complete the work detailed in the Street Resurfacing & Improvements section of the 2012 Capital Expenditure Plan.

By Councilor Rabideau; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

F. RESOLVED: In accordance with the request therefore the Common Council approves that the Strategic Tourism Planning Committee (STPC), appointed by the Clinton County Legislature, is appointed as agent for the City of Plattsburgh to act on its behalf to pursue the legal, environmental and economic feasibility of developing the City Beach property for public and private uses. It is foreseen that the STPC will explore legal and environmental feasibility of public and private development uses of the City Beach property with the New York State Office of Parks, Recreation and Historic Preservation, the Department of Environmental Conservation, the Army Core of Engineers and other appropriate New York State and Federal Agencies. It is understood that the STPC cannot enter into any legal agreement with any State or Federal Agency without the express

approval of the Mayor and Common Council of City of Plattsburgh. The STPC also plans to explore the financial feasibility of the development of public and private uses at the City Beach property and intends to pursue various means of funding vehicles to cause the development to happen. It is understood that the STPC cannot enter into any legal agreement with any funding source without the express approval of the Mayor and Common Council of City of Plattsburgh.

By Councilor Calnon; Seconded by Councilor Case
Discussion:

Councilor Carpenter said is this a closed committee is it open to new members are the meetings open can the public go and is there a time that the public can actually comment on what's going on or is it a closed process.

Strategic Tourism Planning Committee member Terry Meron said at this point we would be trying to enlarge the committee. I'm not exactly sure in the form it would take. Right now Rick Perry, myself, Michele Powers and Keith Herkalo are the most common people that attend this committee meeting. But we realize the only way that this project is going to be successful is if it has the vast majority of community support. Actually we have a meeting tomorrow at 8 am and this is on the agenda and we will be looking to enlarge that committee. Throughout the course of this we will probably have some kind of public hearing to enlist community support. Any recommendations obviously that you have how you think the process should be we would be happy to hear about them.

Councilor Calnon said John, I am assuming since this was a committee that was originally appointed by the County Legislature and is also by this action going to be representing the City there probably would be coverage under Open Meetings Law.

Corporation Counsel John Clute said No I don't think so especially since the authority is at least at this point is so very limited to explore ideas and develop recommendations and concepts for this development. It is almost the equivalent to a staff meeting in the City or County where you have people that are gathered together putting together a proposal and refining that proposal but don't really have any power by themselves to implement it. These kinds of meetings aren't required to be open public meetings and I really don't think whatever meetings this committee has would be required by law to be public meetings. Anything that comes back to you in the form of a recommendation would be discussed in an open public meeting. If you guys felt it was important to have a public meeting before you made a decision, whether or not it was required by law, you could just say we ought to have a public hearing. My sense to the process is really the key decision points its always go to come back or pass through this body.

Mayor Kasprzak said I would ask as you meet tomorrow and as you move forward you could keep the communication open for the Council and Mayor just officially make that part of your discussion at the meeting we would appreciate that.

Strategic Tourism Planning Committee member Terry Meron said I know the rest of the committee probably does the same thing but I've been very sensitive to that I don't say anything before communicating with Michele Powers or Rick Perry before I send it out. It is an exciting

project that I really believe we are going to have some success with and we're happy to share that with you.

Mayor Kasprzak said I appreciate your efforts and your ideas and whatever that you can do to promote the project it's a huge and ambitious project and we would appreciate letting us know as we move forward and I appreciate that.

Strategic Tourism Planning Committee member Building Inspector Rick Perry the Strategic Tourism Planning Commission is the committee that has been nominated by the Legislature as subcommittees the Interpretive Fleet Center committee which is the committee we are talking about right now is one of 43 subcommittees. So we have a wide range of projects within the Destination Master Plan and this happens to be one of them that will not only capitalize on the history but on some of our recreational opportunities. I hope that adds a little clarification on the way the committees are divided up, so a lot of committees with a lot of opportunities.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

G. RESOLVED: In accordance with the request therefore the Common Council approves "The Pepper" located at 13 City Hall Place to use two parking spaces in front of their establishment for outdoor dining seating. The owners have contacted Concrete Supply and are prepared to purchase the barriers. The City is asked to permit the licensee to use jersey barricades with the City installing and removing at the beginning and end of the season. The City will be reimbursed for these services and the cost shall be determined by the Department of Public Works. The requested dates are from May 1, 2011 – September 30, 2012.

By Councilor Case; Seconded by Councilor Tiffer
Discussion:

Councilor Tiffer said I want to start by saying I do support this. This is a demand that obviously Irises, Olive Ridley's and now The Pepper see people want to sit outside so this is their option. They've done a good job, they've cleaned them up, they've painted them, they've decorated but it still looks like a highway construction site. Aesthetically I don't think it looks nice. Outdoor seating isn't an issue just in Plattsburgh it's everywhere. I've looked, I've researched and there are better solutions there are platforms that people have created that help differentiate between parking spaces and the road. There are barricades that are much more aesthetic and much more pleasing to our downtown area than jersey barricades. I don't know why this is the solution that we have chosen. I think it is a short term solution. I think we need a long term solution to this problem of not having enough outdoor seating space for our downtown. I don't know what the solution is. I don't know how we can fix that. I want our downtown looking better.

Councilor Rabideau said I'm really against the whole outside... I'm not against the sidewalk dining, but I've voted against the other 2 locations. I'm a patron of this particular place and the other places

too. That it is public parking, it is public parking spaces, it is in the roadway, it is Route 9 and I again feel that they shouldn't be in the parking spaces. If we could work out something more dining on the sidewalk I wouldn't have a problem. When we shut down a street for the Mayor's Cup we shut the entire street down so that they can have an event. That event is for the public for everybody its not private enterprise it's not a restaurant doing business as usual. When we shut down a street for charity we shut it down for the public to attend and most of the time we are shutting it down for safety too. When we have a parade we approve it for the public. These parking spots are public parking spots. I just believe that if the restaurants are on the sidewalk I think that's fine. I have voted no in the past and I'll be voting no tonight.

Councilor Calnon said just my recollection of why this is necessary. Obviously, the buildings that boarded the street are where they have been for a number of years and that really establishes the total boundary of what we have to work in. In order to keep our connection to the bicycle path that go down City Hall Place which is part of the much larger trail system the sidewalks could not be large enough to accommodate sidewalk dining and that is why this as a compromise was proposed. Because you have to have so much footage for dining and so much footage for pedestrians and there is just not enough sidewalk on either side of City Hall Place to do that and that is really the reason that this solution was suggested. Again, it is not the perfect solution we would much prefer to have folks using the much wider sidewalks and even the pieces at the head of Bridge Street.

Councilor Carpenter said I am not too worried about losing the 2 or 3 parking places that they want to use. Then I had a thought how far are we or where are we with our plan to redo the city parking lot. And if we're doing that this year what kind of impact will that have on our downtown.

Mayor Kasprzak said we are going to do that project it's now, I'm getting verification on that, it is not spring it is closer to early summer and it's going to be a disaster.

Councilor Carpenter said will do half at a time.

Mayor Kasprzak said I would hope we would do half as quickly as possible.

Councilor Carpenter said any idea how that will impact. Should we reconsider whether we allow anyone to do outside seating this year? Or will we still have enough parking with the parking lot only being half its size.

Mayor Kasprzak said Tim it doesn't matter when we do that parking lot and what year it is there will be confusion whether there are 5 or 6 spaces outside for people to dine. It is going to be an absolute challenge and there is going to be inconvenience.

Councilor Jackson said is there any work being done on the south side of Broad Street or is it all on the north side. Mike do you have any idea.

Superintendent Mike Brodi said I believe it is all on the north side.

Mayor Kasprzak said it is going to be a difficult situation.

Councilor Carpenter said I guess for the sake of a dozen parking spaces at the most that these 3 places are going to use its not going to make a difference one way or another. Our parking problem is going to be so large that what's an extra 7 spots.

Corporation Counsel John Clute said just a recommendation not that anybody would use it. But I think you ought to at least promote the availability of the big parking lot down at the rail yard there are many spaces available.

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson
(Councilors Carpenter, Tiffer, Calnon, Case and Jackson voted in the affirmative. Councilor Rabideau voted in the negative.)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request from the City Chamberlain to create capital project H5110.37 "2012 Equipment Replacement Project" to complete the purchases detailed in the Public Service Equipment section of the 2012 Capital Expenditure Plan.
2. The Regular Common Council meeting scheduled for Thursday, April 5, 2012 will be changed due to the Good Friday Holiday to Wednesday, April 4, 2012 beginning at 5:30 pm. The work session will begin at 5 pm.
3. Request from the Plattsburgh Community Garden Group to use the Farmers Market on April 21, 2012 from 11 am – 3 pm to celebrate Earth Day.
4. Request from Kevin Farrington City Engineer to advertise for bids for Contract #2012-05 "One new 2013 Single Axle Truck with Recycle Body."
5. Request from Kevin Farrington City Engineer that Contract # 2012-03 "Survey of City Streets" be awarded to Machabee Land Surveying for the total amount of \$16,815 and that the Mayor be authorized to sign the agreement.
6. Request from Bill Treacy Manager MLD that Bid No. 2012-2-1 "Electric Meters Revenue Type" be awarded to GoTToGo Electric, Inc. in the total amount of \$72,512.
7. Request from Apostles for Life to use 3 parking spaces in front of 66 Brinkerhoff Street, Friday, April 6, 2012 from 9:00 a.m. to 11:15 am for a prayer vigil.

10. NEW BUSINESS:

Mayor Kasprzak mentioned that he has received a 30 Day Notice of an application for an on premises liquor license by David E. Allen for premises at 5131 US Avenue.

11. CLOSING PUBLIC COMMENTS: None

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer

Roll call: Councilors Carpenter, Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

MEETING ADJOURNED: 5:57 pm